

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1747

ELKAY MINING COMPANY, a West Virginia
Corporation,

Plaintiff - Appellee,

versus

ATEL FINANCIAL CORPORATION, a foreign
corporation; ATEL CASH DISTRIBUTION FUND V,
L.P., a limited partnership,

Defendants - Appellants.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. John T. Copenhaver, Jr.,
District Judge. (CA-99-1144-2)

Submitted: June 3, 2003

Decided: June 18, 2003

Before WILKINS, Chief Judge, and LUTTIG and TRAXLER, Circuit
Judges.

Affirmed by unpublished per curiam opinion.

David Marvin Wiseblood, BERG & PARKER L.L.P., San Francisco,
California, for Appellants. Richard J. Bolen, HUDDLESTON, BOLEN,
BEATTY, PORTER & COPEN, L.L.P., Huntington, West Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant ATEL Financial Corporation ("ATEL") appeals the district court's resolution of cross-motions for summary judgment in favor of Appellee Elkay Mining Company ("Elkay") on Elkay's declaratory judgment claim that it did not owe any "termination value" to ATEL on an expired lease for mining equipment. We have reviewed the record below, the opinion of the district court, and the briefs of the parties. Because we conclude that the district court properly resolved the legal questions presented on summary judgment, we affirm the judgment of that court on the reasoning of its well-written opinion.

AFFIRMED